

**NOT FOR PUBLICATION**  
**UNITED STATES COURT OF APPEALS**  
**FOR THE NINTH CIRCUIT**

**FILED**

JUL 22 2008

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**CLAUDE G. COSSU,**

Appellant,

v.

**JEFFERSON PILOT SECURITIES  
CORPORATION,**

Appellee,

and

**OFFICE OF THE UNITED STATES  
TRUSTEE,**

Trustee.

No. 07-16990

D.C. No. CV-06-02913-GEB

**MEMORANDUM\***

Appeal from the United States District Court  
for the Eastern District of California  
Garland E. Burrell, District Judge, Presiding

Submitted July 16, 2008\*\*  
San Francisco, California

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\* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

Before: **KOZINSKI**, Chief Judge, **FARRIS**, Circuit Judge, and **PANNER**,<sup>\*\*\*</sup>  
District Judge.

Our mandate did not preclude the district court from holding an evidentiary hearing to recalculate the amount of the indemnity award. See Stevens v. F/V Bonnie Doon, 731 F.2d 1433, 1435–36 (9th Cir. 1984); United States v. Kellington, 217 F.3d 1084, 1092–93 (9th Cir. 2000).

**AFFIRMED.**

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<sup>\*\*\*</sup> The Honorable Owen M. Panner, United States District Judge for the District of Oregon, sitting by designation.